

Application No. 09/925,826
Reply to Final Office Action of July 14, 2005

Docket No. 1232-4755

REMARKS

Claims 1 and 5-17 are pending in this application. Claims 10-17 have been allowed and claims 1 and 5-9 have been rejected. Claims 1 and 5-9 are herein canceled without prejudice or disclaimer.

Claim Rejections – 35 U.S.C. §§ 102(e) and 103

Claims 1 and 6-8 are rejected under 35 U.S.C. §102(e), as allegedly being anticipated by U.S. Patent No. 6,259,082 to Fujimoto et al. ("Fujimoto"). Claim 5 is rejected under 35 U.S.C. §103 as allegedly being unpatentable over Fujimoto in view of the previously cited Endo. Claim 9 is rejected under 35 U.S.C. §103 as allegedly being unpatentable over Fujimoto in view of the previously cited Kao.

While Applicants respectfully disagree with the characterization of the pending claims and of the teachings attributed to the prior art in the stated rejections, and respectfully traverse these rejections, in order to expedite allowance, rejected claims 1 and 5-9 are herein canceled without prejudice or disclaimer, rendering the rejections as to these claim moot. Accordingly Applicants respectfully request that these rejections be withdrawn.

Applicants reserve the right to pursue such canceled claims in a continuing application.

Information Disclosure Statement

Applicants filed an Information Disclosure Statement ("IDS") on August 18, 2005 to cite in the instant case, Japanese Patent Application No. 11-215302 which was cited in a Notification received in a counterpart Japanese Patent Application No. 2000-245180. Applicants respectfully request that the Examiner indicate consideration of the items cited on the PTO 1449 accompanying the August 18, 2005 IDS by returning an initialed copy of the PTO 1449 to Applicants.

Application No. 09/925,826
Reply to Final Office Action of July 14, 2005

Docket No. 1232-4755

Applicants believe the claims as herein allowed are patentably distinct over the references cited in the August 18 IDS for at least similar reasons as given for the current indication of their allowance.

CONCLUSION

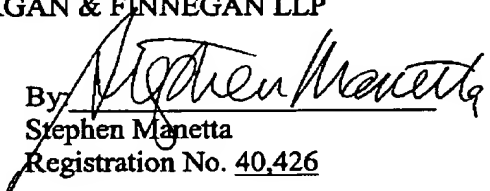
In view of the foregoing, all rejections having been addressed, as there are no outstanding rejections remaining and only allowed claims 10-17 remain in this application, Applicants respectfully submit that this application is in condition for allowance, which action is respectfully requested.

Applicant believes that no fees or extensions of time are necessary for the filing of this paper. However, should an extension of time be necessary to render this filing timely, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees that may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4755.

If any outstanding issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,
MORGAN & FINNEGAN LLP

Dated: September 29, 2005

By 
Stephen Manetta
Registration No. 40,426

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700